

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1153**

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### Introduced by Assembly Member Beall

February 27, 2009

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An act to add Section 76000.10 to the Government Code, relating to emergency services, and making an appropriation therefor *services*.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Beall. Emergency air medical transportation providers: penalty levy: reimbursement augmentation.

~~Existing law requires an additional county penalty of \$7 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, for deposit into specified county funds relating to the construction of courthouses, criminal justice facilities, and forensic laboratories, and the support of emergency medical services.~~

*Existing law requires an additional state penalty of \$10 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses.*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions.

This bill, which is to be known as the Emergency Air Medical Transportation Act, would levy an additional penalty of \$3 upon every fine, penalty, or forfeiture imposed and collected by the courts for all offenses involving a vehicle violation, ~~except certain parking offenses as specified,~~ in each county. *This bill would require the additional penalty to be collected together with, and in the same manner as, the aforementioned state penalty.* This bill would require each county board of supervisors to establish in the county treasury an emergency air medical transportation act fund into which the penalty collected pursuant to this bill would be deposited. This bill would require, on the last day of each calendar quarter of the year, the county treasurer to transfer moneys in the county's emergency air medical transportation act fund to the Controller for credit to the Emergency Air Medical Transportation Act Fund, which is created by the bill ~~and to be administered by the department. This fund would be continuously appropriated to the~~ *The moneys in this fund would be used by the department, appropriation by the Legislature, department and be administered by the department solely for the purposes of augmenting to augment* Medi-Cal reimbursement paid to emergency air medical transportation services providers.

The bill would require the department to use the moneys in the Emergency Air Medical Transportation Act Fund and federal matching funds to increase the Medi-Cal reimbursement or supplemental payments for emergency air medical transportation services in an amount not to exceed normal and customary charges charged by the emergency air ambulance transportation services provider.

By requiring counties to create emergency air medical transportation act funds and then deposit the levy imposed by this bill into those funds, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) Air ambulance services provide life saving emergency  
4 transportation of the most critical patients from automobile accident  
5 scenes directly to trauma centers. The vast majority of helicopter  
6 scene responses are motor vehicle related.

7     (b) Many of these transports originate in rural areas where  
8 ground transportation is prolonged. In some instances, however,  
9 air transportation may be needed in urban areas where traffic  
10 congestion inhibits rapid transportation.

11     (c) Air ambulance services providers transport all emergency  
12 patients without knowing if the patient has any form of medical  
13 insurance or ability to pay for the service.

14     (d) Many emergency—~~room~~ patients transported by air  
15 ambulances have no insurance and no ability to pay for the service,  
16 but these patients are given the same high level of care as those  
17 with medical insurance.

18     (e) Unlike the hospitals where air ambulance services providers  
19 deliver patients, air ambulance services providers are not eligible  
20 to apply for additional federal funding for providing services to  
21 high numbers of indigent patients pursuant to California's  
22 disproportionate share hospital (DSH) program under the Medi-Cal  
23 program.

24     (f) Unlike the hospitals and emergency physicians who treat the  
25 patients after they are delivered by helicopter, air ambulance  
26 services providers do not receive payment from the county Maddy  
27 Emergency Medical Services Fund when they provide treatment  
28 to an indigent patient.

29     (g) Emergency air ambulance services providers provide  
30 coverage to multiple counties within a 100-mile radius of their  
31 bases, and, as a result, often their transports originate in a county  
32 other than where they are based, which makes it virtually  
33 impossible for them to be funded by local tax support except in  
34 the largest of counties.

35     (h) The Medi-Cal program reimburses air ambulance services  
36 providers far below what it costs the providers to provide  
37 emergency air transportation and pays nothing if the patient is  
38 indigent and not eligible for Medi-Cal. The Medi-Cal

1 reimbursement rates for air ambulances have not increased in over  
2 15 years.

3 (i) Currently fines and penalties on traffic violations total  
4 between one hundred and eight dollars (\$108) and  
5 nineteen-thousand dollars (\$19,000), inclusive. Some of the fine  
6 and penalty money is already collected by county courts and  
7 transferred to the state.

8 (j) A small additional penalty of three dollars (\$3) per traffic  
9 violation would result in a very small percentage increase on each  
10 penalty on traffic violations, but the money collected from the  
11 penalty would go to support air ambulance services, which are the  
12 most critical services that support patients who are injured as a  
13 result of a major collision.

14 (k) Air ambulance services play a key role in the statewide  
15 emergency medical services system, including disaster response  
16 and homeland security, so it is important for California to support  
17 these vital services.

18 SEC. 2. Section 76000.10 is added to the Government Code,  
19 to read:

20 76000.10. (a) This section shall be known, and may be cited,  
21 as the Emergency Air Medical Transportation Act.

22 (b) (1) For the purpose of implementing this section, there shall  
23 be levied an additional penalty of three dollars (\$3) in each county  
24 that shall be collected together with, and in the same manner as,  
25 the amounts established by Section 1464 of the Penal Code, upon  
26 every fine, penalty, or forfeiture imposed and collected by the  
27 courts for all offenses involving a violation of the Vehicle Code  
28 or a local ordinance adopted pursuant to the Vehicle Code, ~~except~~  
29 ~~parking offenses subject to Article 3 (commencing with Section~~  
30 ~~40200) of Chapter 1 of Division 17 of the Vehicle Code. These~~  
31 ~~moneys shall be taken from fines and forfeitures deposited with~~  
32 ~~the county treasurer prior to any division pursuant to Section 1463~~  
33 ~~of the Penal Code. The county board of supervisors shall establish~~  
34 in the county treasury an emergency air medical transportation act  
35 fund into which shall be deposited the moneys collected pursuant  
36 to this section.

37 (2) *This additional penalty shall not apply to the following:*

38 (A) *Any restitution fine.*

39 (B) *Any penalty authorized by Section 1464 of the Penal Code*  
40 *or this chapter.*

1 (C) Any parking offense subject to Article 3 (commencing with  
2 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

3 (D) The state surcharge authorized by Section 1465.7 of the  
4 Penal Code.

5 (c) (1) Moneys in each county's fund, including interest and  
6 dividends earned thereon, shall be held by the county treasurer  
7 separate from funds subject to transfer or division pursuant to  
8 Section 1463 of the Penal Code.

9 (2) On the last day of each calendar quarter of the year, the  
10 county treasurer shall transfer moneys in the county's emergency  
11 air medical transportation act fund to the Controller for credit to  
12 the Emergency Air Medical Transportation Act Fund, which is  
13 hereby established in the State Treasury. Notwithstanding Section  
14 16305.7, the Emergency Air Medical Transportation Act Fund  
15 shall include interest and dividends earned on money in the fund.

16 (3) The Emergency Air Medical Transportation Act Fund shall  
17 be administered by the State Department of Health Care Services.  
18 ~~Notwithstanding Section 13340, moneys in the Emergency Air~~  
19 ~~Medical Transportation Act Fund are continuously appropriated,~~  
20 ~~without regard to fiscal year, to the department to augment Moneys~~  
21 ~~in the Emergency Air Medical Transportation Act Fund shall be~~  
22 ~~used by the department upon appropriation by the Legislature, to~~  
23 ~~augment emergency air medical transportation reimbursement~~  
24 ~~payments made through the Medi-Cal program.~~

25 (4) The department shall seek to obtain federal matching funds  
26 by using the moneys in the Emergency Air Medical Transportation  
27 Act Fund for the purpose of augmenting Medi-Cal reimbursement  
28 paid to emergency air medical transportation services providers.

29 (5) The department shall use the moneys in the Emergency Air  
30 Medical Transportation Act Fund and federal matching funds to  
31 increase the Medi-Cal reimbursement or supplemental payments  
32 for emergency air medical transportation services in an amount  
33 not to exceed normal and customary charges charged by the  
34 emergency air ambulance transportation services provider.

35 SEC. 3. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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